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EXAMINER

NGUYEN, NHON D

ART UNIT PAPER NUMBER

2179

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,835

Applicant(s)

JANAKIRAMAN ET AL.

Examiner

Nhon (Gary) D. Nguyen

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to amendment, filed 07/01/2005
2. Claims 1-33 are pending in this application. In this amendment, no claim is canceled, claims 1 and 9 are amended, no and claim is added. This action is made final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 6, 22, 23, 31, 8, 9, 13, 24, 32, 15, 16, 20, 25, 26, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber et al. ("Barber", US 5,751,286) in view of McLaughlin et al. ("McLaughlin", US 6,501,779).

As per claims 1, 8 and 15, Barber teaches a computer implemented method and corresponding system for presenting graphical data to a user comprising the steps/means:

analyzing a set of graphical data to determine a set of critical factors present in the graphical data to form determined critical factors (col. 6, line 30 – col. 7, line 13);

ranking the determined critical factors according to respective priorities set for each of the critical factors (col. 14, lines 44-67); and

Barber teaches generating a set of graphical data, ordered according to the priorities of each of the respective critical factor (col. 14, lines 65-67 and col. 9, lines 57-61). However, Barber does not disclose a textual description of the set of graphical data. McLaughlin teaches the web/text translator converts text, graphic icons, menu options, and communication links within a web site into equivalent forms of text data (e.g. col. 4, lines 3-9). It would have been obvious to an artisan at the time of the invention to use the teaching from McLaughlin of providing a textual description of the set of graphical data in Barber's system since it would enable Barber's system to be used by sight impaired people.

As per claims 2, 9 and 16, Barber teaches the set of critical factors and the textual description are selected according to a selected mode (col. 9, lines 1-4 and col. 9, lines 41-43).

As per claims 6, 13 and 20, Barber teaches the priorities of each of the respective critical factor is determined in accordance with said selected mode (col. 9, lines 1-4).

As per claims 22 and 24-26, Barber teaches the graphical data further comprises data in a format that produces a non-textual image on a display screen (col. 7, lines 4-13).

As per claim 23, since McLaughlin teaches the web/text translator converts text, graphic icons, menu options, and communication links within a web site into equivalent forms of text data (col. 4, lines 3-9), it is inherent in McLaughlin's system to have an image analysis software

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for converting the graphical data into a textual description of the graphical data (col. 10, lines 27-28).

As per claims 31, 32 and 33, McLaughlin teaches the textual description of the set of graphical data describes in words an illustrated description of the graphical data (e.g. col. 8, line 60 – col. 9, line 19).

5. Because applicant failed to traverse the examiner's assertion of Official Notice, the common knowledge in the art statement in the last Office Action is taken to be admitted prior art.

6. Claims 3, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of McLaughlin and further in view of applicant's admitted prior art.

As per claims 3, 10 and 17, modified Barber does not disclose the mode is selected according to a URL associated with the set of graphical data. This feature is taught by applicant's admitted prior art. It would have been obvious to an artisan at the time of the invention to select the mode according to a URL associated with the set of graphical data in modified Barber's system since it would make the system adaptable to the Web/Internet technology.

7. Claims 4, 5, 11, 12, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of McLaughlin and further in view of Hasser et al. ("Hasser", US 5,736,978).

As per claims 4 and 5, modified Barber does not disclose the step of generating said textual description further comprises the step of generating said textual rendition in an aural format and in a tactile format. Hasser teaches the communication of graphic data provided by tactile sensing and audio related user aids (col. 4, lines 55-63). It would have been obvious to an artisan at the time of the invention to use the teaching from Hasser of providing the communication of graphic data by tactile sensing and audio related user aids in Barber's system since it would enable modified Barber's system to be used by sight impaired people.

As per claims 11 and 18, they are similar in scope to claim 4; therefore, they should be rejected under similar scope.

As per claims 12 and 19, they are similar in scope to claim 5; therefore, they should be rejected under similar scope.

8. Claims 7, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of McLaughlin and further in view of Discolo et al. ("Discolo", US 6,370,566).

As per claims 7, 14 and 21, which is dependent on claim 1, modified Barber does not disclose the step of generating said textual description of the set of graphical data includes generating said textual description in accordance with one or more textual templates. Discolo discloses that at col. 22, lines 31-32. It would have been obvious to an artisan at the time of the invention to use the teaching from Discolo of generating the textual description in accordance

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with one or more textual templates in modified Barber's system since it would make the process run faster by retrieving the textual description directly from the textual templates.

9. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of McLaughlin and further in view of applicant's admitted prior art.

As per claim 27, modified Barber does not disclose the graphical data is selected from a group of GIF, JPEG, and PNG type data format. Applicant's admitted prior art disclose that in page 3, lines 4-6. It would have been obvious to an artisan at the time of the invention to apply the teaching from the applicant's admitted prior art of selecting graphical data from a group of GIF, JPEG, and PNG type data format in modified Barber's system since it would enable the system to work with different types of data formats.

As per claim 28, modified Barber does not disclose the set of critical factors includes characteristics of data illustrated in a displayed multi-dimensional graph. Applicant's admitted prior art disclose that in page 3, lines 10-16. It would have been obvious to an artisan at the time of the invention to apply the teaching from the applicant's admitted prior art of illustrating the set of critical factors in a displayed multi-dimensional graph in modified Barber's system since it would help a user easily visualize critical factors on the multi-dimensional graph.

As per claims 29 and 30, which are dependent on claims 8 and 15 respectively, they are rejected under the same rationale as claim 28.

Response to Arguments

10. Applicant's arguments filed 07/01/2005 have been fully considered but they are not persuasive.

Applicant argued the following:

(a) With respect to claims 1, 8 and 15, Barber's cited passage at column 14, lines 44 through 67 teaches a global score for an image and then ranking the images examined by this total score. While the above cited passage does teach ordering graphical data, the passage does not teach ranking the determined critical factors according to respective priority set for each of the critical factors. Furthermore, the Examiner has equated thumbnails as being equivalent to "critical factors". If thumbnails are critical factors, then the images themselves cannot be a critical factor, as the image is not a thumbnail as defined in Barber.

(b) With respect to claims 1, 8 and 15, Barber does not teach generating the set of graphical data ordered according to the priorities of each of the respective critical factors.

(c) With respect to claims 1, 8 and 15, the resulting of combination would not teach generating a textual description of the set of graphical data, ordered according to the priorities of each of the respective critical factors. Instead, the resulting combination would teach generating a textual description of the set of images, ranked from highest global score to lowest global score. Therefore, the combination of Barber and McLaughlin still would not reach the presently claimed invention.

(d) With respect to claims 2, 9, and 16, Barber does not teach the feather of wherein the set of critical factors and the textual description are selected according to a selected mode.

(e) With respect to claims 6, 13, and 20, Barber does not teach the feature of the priorities of each of the respective critical factors is determined in accordance with said selected mode.

Examiner disagrees for the following reasons:

(a) The thumbnails are not equated as being equivalent to “critical factors”. In fact, the critical factors such as color, texture, size, shape and layout (e.g., col. 5, lines 57-59) in each of the image in the set of graphical data from the database (database 36 of fig. 1) are ranked according to the respective priorities set for each of the critical factors by using the image query constructions to create priorities set of critical factors for sample image (e.g., fig. 4; col. 7, lines 6-25). Therefore, Barber does teach ranking the determined critical factors according to respective priority set for each of the critical factors.

(b) The generated results list 80 is, in fact, a set of images (graphical data) ordered according to the priorities of each of the respective critical factors set in the image query construction (e.g., col. 8, lines 46-55).

(c) As explained above in (b) Barber does teaches generating the set of graphical data ordered according to the priorities of each of the respective critical factors. However, Barber does not disclose a textual description of the set of graphical data. McLaughlin teaches the web/text translator converts text, graphic icons, menu options, and communication links within a web site into equivalent forms of text data (e.g. col. 4, lines 3-9). It would have been obvious to an artisan at the time of the invention to use the teaching from McLaughlin of providing a textual description of the set of graphical data in Barber’s system since it would enable Barber’s system to be used by sight impaired people.

(d) In column 9, lines 1-4 and column 9, lines 41-43, Barber does teach a selection mode of operation in which the user can select the set of critical factors and generating the result set of graphical data. Barber does not teach the result set of graphical data is generated in form of textual description. McLaughlin teaches this feature at column 4, lines 3-9 as recited in the rejection of claim 1.

(e) In column 9, lines 1-4 and column 9, lines 41-43, Barber does teach a selection mode of operation in which the user can select priorities of each of the respective critical factors via the image query construction.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D. Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571)272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
September 19, 2005


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